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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,186	12/27/2000	Masahiro Yoshiasa	14194	6162

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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 04/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/749,186

Applicant(s)

YOSHIASA, MASAHIRO

Examiner

David Lazaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 are pending in this Office Action.

Papers Received

2. Declaration and Fee received 04/19/01.
3. Formal Drawings received 10/07/02.
4. Change of Address received 11/13/02.

Priority

5. This application claims priority to JAPAN 11-370881 (12/27/1999).

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file (Filed with Paper #4).

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The examiner suggests directing the title to include the cache element, specifically in conjunction with the 'valid terms' and purpose of the invention. For example:
"Content acquiring device, method, and system using valid terms to keep a cache up-to-date"

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7. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.
8. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: In the abstract: lines 4-5, the phrase "can acquire contents data having a current version as much as possible; lines 9-11, the phrase "to be an access to a contents server...". In the specification: Page 1, lines 12-28; Page 2 lines 19-25; Page 14, lines 15-28; Page 29 lines 13-16.
9. The disclosure is objected to because of the following informalities: While the grammatical use of the word "contents" is acceptable in most cases, the examiner advises using "content" instead. The use of "content" is more commonly understood when referring to data that is accessed through some sort of browser interface. For example, viewing or caching "web page content" as opposed to "web page contents."
- Appropriate correction is required.
10. The disclosure is objected to because of the following informalities: The examiner advises using "network" instead of "network infra" (such as in page 3

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line 2) since "infra" is not a commonly used description and not defined (in terms of network technology) in a standard English dictionary

Appropriate correction is required.

Claim Objections

11. Claim 3 is objected to because of the following informalities: In lines 2-3, 'acquisition request accepting means for accepting an acquisition request for contents' should just be 'accepting an acquisition request for contents' to be a proper step of a method. Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. In Claim 2 and other similar claims, the phrase "deciding whether the valid term is added to the contents" is not distinctly clear. It can be interpreted as a computational addition or as a form of data that is associated with the contents. As such, the phrase is indefinite.

15. All the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

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16. For example, In Claim 1 and 3, the phrase 'setting a valid expiration as an update expiration of the contents' and the phrase 'when the contents are out of the valid expiration'; the use of 'is' versus 'was' based on interpretation of "the valid term is added" in Claims such as 2 and 4; In Claim 7, the phrase "for transmitting an acquisition request of contents to be an acquisition request object prestored through a network."

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

18. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,038,601 by Lambert et al. (Lambert).

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19. With respect to Claim 1, Lambert teaches a contents acquiring device (Col. 4 lines 13-23) comprising: cache means for temporarily storing received contents (Col. 5 lines 11-14 and Col. 6 lines 25-32); acquisition request accepting means for accepting an acquisition request for contents (Col. 5 lines 51-66); cache deciding means for deciding whether the contents requested by the acquisition request are stored in the cache means or not (Col. 12 lines 38-48); valid expiration setting means for setting a valid expiration as an update expiration of the contents based on a valid term of the contents when it is decided by the cache deciding means that the contents are stored in the cache means (Col. 12 lines 49-64); acquisition request transmitting means for transmitting the acquisition request for the contents when the contents are out of the valid expiration set by the valid expiration setting means (Col. 12 lines 49-53); and contents receiving means for receiving contents based on the acquisition request transmitted from the acquisition request transmitting means (Col. 12 lines 38-43).

20. With respect to Claim 2, Lambert teaches all the limitations of Claim 1 and further teaches the contents acquiring device further comprising valid term holding means for previously holding a valid term (Col. 32 lines 12-14), and valid term addition deciding means for deciding whether the valid term is added to the contents or not when it is decided by the cache deciding means that the contents are stored in the cache means (Col. 32 lines 16-22), the valid expiration setting means serving to set the valid expiration based on a valid term held by the valid

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term holding means when it is decided by the valid term addition deciding means that the valid term is not added (Col. 32 lines 12-26).

21. With respect to Claim 3, Lambert teaches a method of acquiring contents comprising the steps of: acquisition request accepting means for accepting an acquisition request for contents (Col. 5 lines 51-66); deciding whether or not the contents requested by the acquisition request accepted at the acquisition request accepting step are stored in a cache for temporarily storing received contents (Col. 12 lines 38-48); setting a valid expiration as an update expiration of the contents based on a valid term added to the contents when it is decided at the cache deciding step that the contents are stored in the cache (Col. 12 lines 49-64); transmitting the acquisition request for the contents when the contents are out of the valid expiration set at the valid expiration setting step (Col. 12 lines 49-53); and receiving contents corresponding to the acquisition request transmitted at the acquisition request transmitting step (Col. 12 lines 38-43).

22. With respect to Claim 4, Lambert teaches all the limitations of Claim 3 and further teaches the step of deciding whether the valid term is added to the contents or not when it is decided at the cache deciding step that the contents are stored in the cache (Col. 32 lines 16-22), the valid expiration setting step serving to set the valid expiration based on a previously held valid term when it is decided at the valid term addition deciding step that the valid term is not added (Col. 32 lines 12-26).

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23. With respect to Claim 5, Lambert teaches a contents server (Col. 6 lines 56-63) comprising: contents storing means for previously storing contents (Col. 6 lines 56-63); acquisition request receiving means for receiving an acquisition request transmitted when the contents are out of a valid expiration to be an update expiration of the contents stored in a cache which are set based on a valid term of the contents (Col. 12 lines 49-53); and contents transmitting means for fetching the contents requested by the acquisition request received by the acquisition request receiving means from the contents storing means and for transmitting the contents to a destination of the acquisition request (Col. 12 lines 49-53).

24. With respect to Claim 6, Lambert teaches all the limitations of Claim 5 and further teaches the valid expiration is set based on a valid term previously held in the destination of the acquisition request when the valid term is not added to the contents stored in the cache (Col. 32 lines 12-26).

25. With respect to Claim 7, Lambert teaches a contents acquiring system (Col. 5 lines 9-19) comprising: a contents acquiring device for transmitting an acquisition request of contents to be an acquisition request object prestored through a network (Col. 5 lines 20-26 and lines 49-60) when the contents are out of a valid expiration to be an update expiration of the contents set based on a valid term of the contents and for receiving contents corresponding thereto (Col. 12 lines 38-53); and a contents server (Col. 6 lines 56-63) for reading contents corresponding to an acquisition request transmitted from the contents acquiring

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device from contents in various fields which are prestored (Col. 12 lines 38-53), and for transmitting the contents corresponding to the acquisition request to the contents acquiring device through the network (Col. 12 lines 38-53).

26. With respect to Claim 8, Lambert teaches all the limitations of Claim 7 and further teaches the valid expiration is set based on a predetermined valid term previously held when a valid term is not added to the contents to be an acquisition object (Col. 32 lines 12-26).

27. With respect to Claim 9, Lambert teaches a contents acquiring system (Col. 5 lines 9-19) comprising: a contents acquiring device including cache means for temporarily storing received contents (Col. 5 lines 9-18), acquisition request accepting means for accepting an acquisition request for contents (Col. 5 lines 51-66), cache deciding means for deciding whether the contents requested by the acquisition request are stored in the cache means or not (Col. 12 lines 38-48), valid expiration setting means for setting a valid expiration as an update expiration of the contents based on a valid term added to the contents when it is decided by the cache deciding means that the contents are stored in the cache means (Col. 12 lines 49-64), acquisition request transmitting means for transmitting the acquisition request for the contents when the contents are out of the valid expiration set by the valid expiration setting means (Col. 12 lines 49-53), and contents receiving means for receiving contents based on the acquisition request transmitted from the acquisition request transmitting means (Col. 12 lines 38-53); and a contents server including contents storing means for previously

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storing contents (Col. 6 lines 56-63), acquisition request receiving means for receiving an acquisition request transmitted from the acquisition request transmitting means (Col. 5 lines 48-60), and contents transmitting means for fetching the contents requested by the acquisition request received by the acquisition request receiving means from the contents storing means and for transmitting the contents to the acquisition request (Col. 12 lines 49-53).

28. With respect to Claim 10, Lambert teaches all the limitations of Claim 9 and further teaches valid term holding means for previously holding a valid term (Col. 32 lines 12-14), and valid term addition deciding means for deciding whether the valid term is added to the contents or not when it is decided by the cache deciding means that the contents are stored in the cache means (Col. 32 lines 16-22), the valid expiration setting means serving to set the valid expiration based on a valid term held by the valid term holding means when it is decided by the valid term addition deciding means that the valid term is not added (Col. 32 lines 12-26).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Lazaro
April 22, 2004


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SUPERVISORY PATENT EXAMINER